

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Sproul	
Application No.: 10/724,369	Group Art Unit: 3775
Filed: 11/26/2003	Examiner: Christian Anthony Sevilla
Title: Surgical Tool With An Electroactive Polymer for Use in a Body	Confirmation No: 1491
Attorney Docket No.: SIED.P-003	
Customer No.: 057381	

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

RESPONSE TO OFFICE ACTION

Dear Sir:

This paper is filed in response to the office action mailed September 28, 2009.

The Examiner rejects claims 18-24 of the present application as obvious under 35 USC 103(a) over US Patent Application Publication Number 2005/0165439 (Weber) in view of US Patent Application Publication Number 2002/0026195.

Applicants note however that Weber, the primary reference, was filed on **January 23, 2004** and published on **July 28, 2005**. The present application, on the other hand, was filed on **November 26, 2003**. Because the present application was filed prior to the filing date and the publication date of Weber, Weber cannot be considered prior art under any section of 35 USC 102 or 103. Therefore the rejection of these claim is made in error and should be withdrawn.

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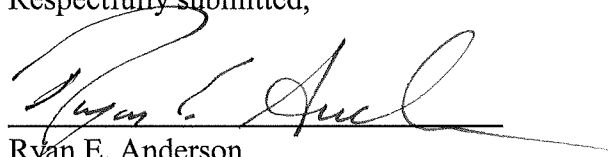
Response Dated: October 14, 2009

Reply to Office Action of September 28, 2009

Applicants note that withdrawn claims 26-40 are directed to a method of using the system of claim 1. These claims should be recombined with claims 1-16 and likewise found to be allowable.

For these reasons, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ryan E. Anderson", is written over a horizontal line.

Ryan E. Anderson

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